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SENATE BILL 640

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Joseph A. Fidel

AN ACT

**MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY
STATE AGENCIES REQUIRED BY LAW.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. SHORT TITLE.--This act may be cited as the
"General Appropriation Act of 2005".**

**Section 2. DEFINITIONS.--As used in the General
Appropriation Act of 2005:**

**A. "agency" means an office, department, agency,
institution, board, bureau, commission, court, district
attorney, council or committee of state government;**

**B. "federal funds" means any payments by the United
States government to state government or agencies except those
payments made in accordance with the federal Mineral Lands
Leasing Act;**

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1 C. "general fund" means that fund created by
2 Section 6-4-2 NMSA 1978 and includes federal Mineral Lands
3 Leasing Act receipts and those payments made in accordance with
4 the federal block grant and the federal Workforce Investment
5 Act of 1998, but excludes the general fund operating reserve
6 and the appropriation contingency fund, the tax stabilization
7 reserve and any other fund, reserve or account from which
8 general appropriations are restricted by law;

9 D. "interagency transfers" means revenue, other
10 than internal service funds, legally transferred from one
11 agency to another;

12 E. "internal service funds" means:

13 (1) revenue transferred to an agency for the
14 financing of goods or services to another agency on a cost-
15 reimbursement basis; and

16 (2) unencumbered balances in agency internal
17 service fund accounts appropriated by the General Appropriation
18 Act of 2005;

19 F. "other state funds" means:

20 (1) unencumbered, nonreverting balances in
21 agency accounts, other than in internal service fund accounts,
22 appropriated by the General Appropriation Act of 2005;

23 (2) all revenue available to agencies from
24 sources other than the general fund, internal service funds,
25 interagency transfers and federal funds; and

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1 (3) all revenue, the use of which is
2 restricted by statute or agreement; and

3 G. "revenue" means all money received by an agency
4 from sources external to that agency, net of refunds and other
5 correcting transactions, other than from issue of debt,
6 liquidation of investments or as agent or trustee for other
7 governmental entities or private persons.

8 Section 3. GENERAL PROVISIONS. --

9 A. For fiscal year 2006, appropriations are made as
10 set out in Section 4 of the General Appropriation Act of 2005
11 from the general fund, internal service funds and interagency
12 transfers or other state funds as indicated to state agencies
13 named or for the purposes expressed, or so much thereof as may
14 be necessary, within available revenue and unencumbered
15 balances.

16 B. Unencumbered balances in agency accounts
17 remaining at the end of fiscal year 2006 shall revert to the
18 general fund by October 1, 2006, unless otherwise indicated in
19 the General Appropriation Act of 2005 or otherwise provided by
20 law.

21 C. The state budget division of the department of
22 finance and administration shall monitor revenue received by
23 agencies from sources other than the general fund and shall
24 reduce the operating budget of any agency whose revenue from
25 such sources is not meeting projections.

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1 D. Except as otherwise specifically stated in the
2 General Appropriation Act of 2005, appropriations are made in
3 that act for the expenditures of agencies and for other
4 purposes as required by existing law for fiscal year 2006. If
5 any other act of the first session of the forty-seventh
6 legislature changes existing law with regard to the name or
7 responsibilities of an agency or the name or purpose of a fund
8 or distribution, the appropriation made in the General
9 Appropriation Act of 2005 shall be transferred from the agency,
10 fund or distribution to which an appropriation has been made as
11 required by existing law to the appropriate agency, fund or
12 distribution provided by the new law.

13 E. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
14 1978, the state budget division may approve budget increases
15 for fiscal year 2006 for agencies whose revenue from federal
16 funds, from state board of finance loans, from revenue
17 appropriated by other acts of the legislature or from gifts,
18 grants, donations, bequests, insurance settlements, refunds or
19 payments into revolving funds exceed specifically appropriated
20 amounts. If approved by the state budget division, such money
21 is appropriated.

22 F. Pursuant to Sections 6-3-23 through 6-3-25 NMSA
23 1978, the state budget division may approve increases in
24 budgets for state agencies whose revenues from other state
25 funds, internal service funds and interagency transfers exceed

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1 amounts specified in the General Appropriation Act of 2005. If
2 approved by the state budget division, such increases in other
3 state funds, internal service funds and interagency transfers
4 are hereby appropriated.

5 G. When approving operating budgets based on
6 appropriations in the General Appropriation Act of 2005, the
7 state budget division is specifically authorized to approve
8 budgets in accordance with generally accepted accounting
9 principles, and the authority to extend the availability period
10 of an appropriation through the use of an encumbrance shall
11 follow the modified accrual basis of accounting for
12 governmental funds in accordance with the manual of model
13 accounting practices issued by the department of finance and
14 administration.

15 H. Laws 2004, Chapter 114, Section 4 is repealed
16 effective July 1, 2005.

17 Section 4. FISCAL YEAR 2006 APPROPRIATIONS. --

18 A. LEGISLATIVE. -- Fifteen million eight hundred
19 twenty-seven thousand seven hundred dollars (\$15,827,700) is
20 appropriated from the general fund to the legislative council
21 service for allocation to legislative agencies in fiscal year
22 2006.

23 B. JUDICIAL. -- One hundred fifty-two million six
24 hundred twenty-nine thousand seven hundred dollars
25 (\$152,629,700) from the general fund, two million two hundred

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1 thirteen thousand two hundred dollars (\$2,213,200) from other
2 state funds, nineteen million four hundred forty-four thousand
3 nine hundred dollars (\$19,444,900) from internal service
4 funds/interagency transfers and six million one hundred twenty-
5 four thousand nine hundred dollars (\$6,124,900) from federal
6 funds is appropriated to the administrative office of the
7 courts for allocation to judicial agencies in fiscal year 2006.

8 C. GENERAL CONTROL. -- One hundred fifty-three
9 million eighty-five thousand two hundred dollars (\$153,085,200)
10 from the general fund, three hundred eighty-three million two
11 hundred seventy thousand dollars (\$383,270,000) from other
12 state funds, five hundred thirty-eight million one hundred
13 fifty-three thousand one hundred dollars (\$538,153,100) from
14 internal service funds/interagency transfers and twenty-three
15 million three hundred thirty-three thousand five hundred
16 dollars (\$23,333,500) from federal funds is appropriated to the
17 department of finance and administration for allocation to
18 general control agencies in fiscal year 2006.

19 D. COMMERCE AND INDUSTRY. -- Forty-seven million five
20 thousand three hundred dollars (\$47,005,300) from the general
21 fund, thirty-four million four hundred three thousand three
22 hundred dollars (\$34,403,300) from other state funds, sixteen
23 million two hundred forty-one thousand seven hundred dollars
24 (\$16,241,700) from internal service funds/interagency transfers
25 and eight hundred two thousand three hundred dollars (\$802,300)

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1 from federal funds is appropriated to the department of finance
2 and administration for allocation to commerce and industry
3 agencies in fiscal year 2006.

4 E. AGRICULTURE, ENERGY AND NATURAL RESOURCES. --

5 Sixty-seven million six hundred eleven thousand six hundred
6 dollars (\$67,611,600) from the general fund, fifty-five million
7 eighty-eight thousand eight hundred dollars (\$55,088,800) from
8 other state funds, forty-one million five hundred seventy-seven
9 thousand two hundred dollars (\$41,577,200) from internal
10 service funds/interagency transfers and thirty million six
11 hundred eighty-four thousand six hundred dollars (\$30,684,600)
12 from federal funds is appropriated to the department of finance
13 and administration for allocation to agriculture, energy and
14 natural resource agencies in fiscal year 2006.

15 F. HEALTH, HOSPITALS AND HUMAN SERVICES. -- One

16 billion one hundred thirteen million four hundred eighty-nine
17 thousand six hundred dollars (\$1,113,489,600) from the general
18 fund, forty-four million nine hundred five thousand seven
19 hundred dollars (\$44,905,700) from other state funds, three
20 hundred sixty-six million seven hundred fifty-one thousand two
21 hundred dollars (\$366,751,200) from internal service
22 funds/interagency transfers and two billion eight hundred
23 twelve million sixty-nine thousand seven hundred dollars
24 (\$2,812,069,700) from federal funds is appropriated to the
25 department of finance and administration for allocation to

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1 health, hospitals and human services agencies in fiscal year
2 2006.

3 G. PUBLIC SAFETY. --Two hundred ninety-two million
4 four hundred seven thousand eight hundred dollars
5 (\$292, 407, 800) from the general fund, sixteen million one
6 hundred sixty-six thousand six hundred dollars (\$16, 166, 600)
7 from other state funds, twenty million nine hundred twenty-two
8 thousand five hundred dollars (\$20, 922, 500) from internal
9 service funds/interagency transfers and fifty-one million one
10 hundred ninety-one thousand eight hundred dollars (\$51, 191, 800)
11 from federal funds is appropriated to the department of finance
12 and administration for allocation to public safety agencies in
13 fiscal year 2006.

14 H. TRANSPORTATION. --Six million six hundred sixty-
15 nine thousand three hundred dollars (\$6, 669, 300) from other
16 state funds, four hundred six million nine hundred thirty-one
17 thousand four hundred dollars (\$406, 931, 400) from internal
18 service funds/interagency transfers and three hundred ten
19 million fifty-one thousand seven hundred dollars (\$310, 051, 700)
20 from federal funds is appropriated to the department of finance
21 and administration for allocation to transportation agencies in
22 fiscal year 2006.

23 I. OTHER EDUCATION. --Twenty-nine million three
24 hundred one thousand two hundred dollars (\$29, 301, 200) from the
25 general fund, four million nine hundred fifty-two thousand

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1 three hundred dollars (\$4,952,300) from internal service
2 funds/interagency transfers and seventeen million eighteen
3 thousand five hundred dollars (\$17,018,500) from federal funds
4 is appropriated to the department of finance and administration
5 for allocation to other education agencies in fiscal year 2006.

6 J. HIGHER EDUCATION. -- Six hundred eighty-nine
7 million four hundred forty-three thousand one hundred dollars
8 (\$689,443,100) from the general fund, seven hundred five
9 million thirty thousand seven hundred dollars (\$705,030,700)
10 from other state funds, twenty-nine million three hundred
11 sixty-two thousand dollars (\$29,362,000) from internal service
12 funds/interagency transfers and four hundred twenty-four
13 million three hundred ninety-three thousand dollars
14 (\$424,393,000) from federal funds is appropriated to the
15 commission on higher education for expenditure or allocation to
16 higher education agencies in fiscal year 2006.

17 K. PUBLIC SCHOOL SUPPORT. -- Two billion forty-seven
18 million thirteen thousand five hundred dollars (\$2,047,013,500)
19 from the general fund, one million three hundred thousand
20 dollars (\$1,300,000) from other state funds and three hundred
21 fifty-two million three hundred dollars (\$352,000,300) from
22 federal funds is appropriated to the public education
23 department for expenditure or allocation to public school
24 districts in fiscal year 2006.

25 Section 5. SEVERABILITY. -- If any part or application of

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1 this act is held invalid, the remainder or its application to
2 other situations or persons shall not be affected.

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